

**United States District Court**  
**District of North Dakota**  
**Northeastern Division**

FILED

DEC 12 2005

EDWARD J. KLECKER, CLERK  
U.S. DISTRICT COURT-NORTH DAKOTA

UNITED STATES OF AMERICA  
 v.  
 Michael Thomas Yach

**JUDGMENT IN A CRIMINAL CASE**Case Number: 2:05CR122

USM Number:

Robert Light, Fargo, ND

Defendant's Attorney

**THE DEFENDANT:**pleaded guilty to count 1 of the Information.

Accordingly, the defendant is adjudged guilty of such count, which involves the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
8:1325(a)(1) and 18:2	Improper Entry by an alien and Aiding & Abetting	3/3/2005	

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$10, for count 1, which shall be due immediately. Said special assessment shall be made to the Clerk, U.S. District Court, Quentin N. Burdick, U.S. Courthouse, 655 1<sup>st</sup> Avenue North, Suite 130, Fargo, North Dakota.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

December 1, 2005Date of Imposition of JudgmentAlice R. SenechalSignature of Judicial OfficerALICE R. SENECHAL, U. S. Magistrate JudgeName & Title of Judicial Officer12/8/2005Date

## PROBATION

The defendant is hereby placed on probation for a term of 12 MONTHS.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and periodic drug tests thereafter, as directed by the court.

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

The defendant has been convicted of an offense listed in the DNA Analysis Backlog Elimination Act of 2000 or the DNA Analysis Backlog Elimination Act of 2004. These acts require the defendant to cooperate in the collection of DNA as directed by the probation officer.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties page of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within 7 days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for school or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or narcotic or other controlled substance, or any paraphernalia related to such substances;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or received;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with persons convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall not interfere with the probation officer's ability to make such visit;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by an enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 8/96) Sheet 4 - Probation

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DEFENDANT: Michael Thomas Yach

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## SPECIAL CONDITIONS OF SUPERVISION

1. Defendant is required to participate in mental health counseling as approved by the supervising probation officer.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke and/or extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) \_\_\_\_\_  
Defendant \_\_\_\_\_ Date \_\_\_\_\_

U.S. Probation Officer/Designated Witness \_\_\_\_\_ Date \_\_\_\_\_